

## **CHAPTER 20.41**

### **SPECIFIC PLAN DISTRICT #4 NEWPORT SHORES**

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#### **20.41.010 Establishment of Specific Plan District (Newport Shores)**

The provisions of this chapter shall apply to all parcels within the boundaries of Specific Plan District #4, Newport Shores, established by Ordinance 1497 and shown on Districting Map No. 1.

#### **20.41.020 Specific Purposes**

The Specific purposes of Specific Plan #4, Newport Shores, are to:

- A. Establish a specific plan to guide the orderly development and improvement of that area of the City which is located on the north side of West Coast Highway and is generally bounded by the Santa Ana River, Seminiuk Slough and Newport Shores Drive.
- B. Implement the recommendations of the Residential Growth Element of the General Plan which states that "a portion of the commercial strip on the West Coast Highway shall be rezoned to a two-family district that would include appropriate development standards.
- C. Provide for a service commercial area that will provide convenience goods and services to nearby residences.

**20.41.030 Private Land Development**

- A. The following two general land use designations are established:
  - 1. Residential Development
  - 2. Commercial Development
- B. The designations, locations, and boundaries of these uses are delineated upon the plan entitled, "Newport Shores Specific Plan - City of Newport Beach Specific Plan No. 4," which plan and all information and notations thereon are hereby made a part of this section by reference.
- C. Whenever a building or structure is erected, reconstructed or structurally altered in the subject area, all applicable sections of the Municipal Code shall prevail except where there is a conflict with this code, in which case the provisions of this specific plan shall take precedence.
- D. Further, no building permit shall be issued for any construction unless the property owner agrees to the dedication and improvement of the existing and proposed rights-of-way adjacent to or within the property, as indicated on the specific plan and in accordance with the standards of the City of Newport Beach.

**20.41.040 Public Rights-of-Way**

- A. As indicated on the specific plan map, it is intended that direct access to all local streets except Orange, Fern, Highland, Prospect, 61st, and 60th be removed and that a one-way street system be created on Colton, Grant, Lugonia, Walnut, and Cedar with connecting "frontage streets" between. These "frontage streets" shall be approximately 12 feet wide with a planting area adjacent to Coast Highway.
- B. All existing streets shall maintain their current right-of-way widths.
- C. A new interior street shall be provided with any redevelopment of the property west of Grant Street. This street shall have a minimum right-of-way width of 40 feet and shall be generally located as shown on the specific plan map.
- D. It is intended that 62nd Street and the alley between 62nd Street and 61st Street be vacated from Newport Shores Drive South to the Coast Highway, provided that agreement on the use of this right-of-way can be reached with the adjacent property owners. Signalization and signing shall be provided as indicated on the specific plan map.

## 20.41.050 Residential Development: Land Use Regulations

The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in the Newport Shores Specific Plan District residential development areas, and includes special requirements, if any, applicable to specific uses. The letter "P" designates use classifications permitted in the Newport Shores Specific Plan District residential development areas. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letters "UP" designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91. The letters "PD/U" designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91. The letters "P/UP" designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

### Residential Development: Land Use Regulations

P = Permitted  
UP = Use permit  
PD/U = Use permit issued by the Planning Director  
L = Limited (see [Additional Use Regulations](#))  
--- = Not Permitted

	Residential	Additional Regulations
<b>RESIDENTIAL</b>		(A), (B), (C), (H), (I), (J), (K)
DAY CARE, LIMITED		
-LARGE FAMILY CHILD CARE HOMES	PD/U	
-SMALL FAMILY CHILD CARE HOMES	P	
GROUP RESIDENTIAL	---	
MULTI-FAMILY RESIDENTIAL	L-1	(D)
PAROLEE/PROBATIONER HOME	---	
RESIDENTIAL CARE FACILITIES, SMALL LICENSED		
RESIDENTIAL CARE FACILITIES, SMALL-UNLICENSED	P	
RESIDENTIAL CARE FACILITIES, GENERAL-LICENSED	---	
RESIDENTIAL CARE FACILITIES, GENERAL UNLICENSED	---	
INTEGRAL FACILITIES/INTEGRAL USES		
SINGLE FAMILY RESIDENTIAL	P	(D), (E)
TWO-FAMILY RESIDENTIAL	P	(D)
<b>PUBLIC AND SEMI-PUBLIC</b>		(A), (B), (C), (J), (K)
CLUBS AND LODGES	UP	
UTILITIES, MINOR	P	
<b>ACCESSORY USES</b>		(A), (B), (C), (K)

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**Residential Development: Land Use Regulations**

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	<b>Residential</b>	<b>Additional Regulations</b>
ACCESSORY STRUCTURES AND USES	P/UP	(F)
<b>TEMPORARY USES</b>		(A), (B), (C), (K)
PERSONAL PROPERTY SALES	P	(G)
REAL ESTATE OFFICES, TEMPORARY	L-2	

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**Residential Development: Additional Land Use Regulations**

- L-1 Use permit required for multi-family residential uses containing three or more dwelling units. The Planning Commission before approving a use permit for any development containing three or more dwelling units shall find:
1. That the development will not be detrimental to or out of character with the surrounding development.
  2. That the development does not exceed the density, height, and floor area limits established in this section.
  3. That in addition to the basic outdoor living space requirement of ten percent of the buildable area, there will be additional outdoor living space.
- L-2 Subject to the approval of the Planning Director.
- (A) See Section 20.60.025: Relocatable Buildings.
- (B) See Section 20.60.015: Temporary Structures and Uses.
- (C) See Section 20.60.050: Outdoor Lighting.
- (D) Any dwelling unit otherwise permitted by this Code may be used for short term lodging purposes as defined in Chapter 5.95 of the Municipal Code subject to the securing of:
1. A Business License pursuant to Chapter 5.04 of the Municipal Code.
  2. A Transient Occupancy Registration Certificate pursuant to Section 3.16.060 of the Municipal Code.
  3. A Short Term Lodging Permit pursuant to Chapter 5.95 of the Municipal Code.
- (E) See Chapter 20.85: Accessory Dwelling Units.
- (F) See Section 20.60.100: Home Occupations in Residential Districts.

- (G) See Section 20.60.120: Personal Property Sales in Residential Districts.
- (H) See Section 20.60.130: Day Care Facilities for Children.
- (I) Purposely left blank.
- (J) No residential use constituting a single housekeeping unit may offer or provide services to persons not residing on the site, unless the City has approved a use permit allowing such use, or in compliance with Section 20.60.100: Home Occupations in Residential Districts.
- (K) Persons with disabilities may request a reasonable accommodation from the provisions of the zoning ordinances under Chapter 20.98: Reasonable Accommodations.
- (L) All uses must obtain business licenses if required by Chapter 5.04 of the Municipal Code.

## 20.41.060 Residential Development: Property Development Regulations

The following schedule prescribes development regulations for residential development areas. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this code.

<b>Residential Development: Property Development Regulations</b>		
	<b>Residential Development</b>	<b>Additional Regulations</b>
Minimum Site Area per Unit (sq. ft.)	1200;1500	(A), (B)
Minimum Yards:		
Front (ft.)	5	(C), (D), (E)
Side (ft.)	3;4	(C), (D), (E), (F)
Rear (ft.)	5	(C), (D), (E)
Distance Between Detached Buildings	10	
Setback from Coast Highway	18	(G)
Maximum Height (ft.)		(H)
Maximum Floor Area Limit	2.0	(I)
Outdoor Living Area		(J)
Off-Street Parking		(K)

**Residential Development: Additional Property Development Regulations**

- (A) See Chapter 19.68 in Title 19: Merger of Contiguous Lots.
- (B) For each dwelling unit up to a maximum of two units, there shall be a minimum of 1200 square feet of lot area. For each dwelling unit in excess of two units, there shall be a minimum of 1500 square feet.
- (C) See Section 20.60.030: Extensions Into Yards.
- (D) See Section 20.60.020: Accessory Structures and Mechanical Equipment.
- (E) [Reserved].
- (F) Each side yard shall not be less than 3 feet wide on sites 40 feet wide or less, or 4 feet on sites wider than 40 feet; provided, that the side yard on the rear 20 feet of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.
- (G) Structures designed for residential occupancy shall be located a minimum of 18 feet from the Coast Highway right-of-way.
- (H) For dwellings, the height limit shall be as specified in Chapter 20.65. For accessory buildings the height limit shall be 15 feet.
- (I) The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.
- (J) In addition to the required yards and separations between detached buildings, there shall be provided an outdoor living area of at least ten percent of the buildable area equally distributed between each dwelling unit. Said area may be combined provided the combined area is accessible and available for the use of each dwelling. Said area shall have a minimum dimension of 6 feet and may be in the form of open land area, a deck, a balcony, a porch or patio. Said area may be roofed but shall remain unenclosed on at least one side. In no event shall said area be placed on the roof of the second story.

- (K) For each dwelling unit there shall be a minimum of two covered parking spaces. On lots less than 50 feet in width tandem parking shall be permitted provided that the forward space is an enclosed garage, and the rear space is unenclosed on at least three (3) sides.

## 20.41.070 Commercial Development: Land Use Regulations

The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in commercial development areas, and includes special requirements, if any, applicable to specific uses. The letter "P" designates use classifications permitted in commercial development areas. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letters "UP" designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91. The letters "PD/U" designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91. The letters "P/UP" designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

### Commercial Development: Land Use Regulations

P = Permitted  
UP = Use Permit  
PD/U = Use permit issued by the Planning Director  
L = Limited (see Additional Use Regulations)  
--- = Not Permitted

	Commercial	Additional Regulations
<b><i>PUBLIC AND SEMI-PUBLIC</i></b>		(A), (B), (C)
CLUBS AND LODGES	---	(K)
CULTURAL INSTITUTIONS	P	(K)
DAY CARE, GENERAL	UP	
RELIGIOUS ASSEMBLY	L-1	
UTILITIES, MINOR	P	
<b><i>COMMERCIAL USES</i></b>		(A), (B), (C)
ANIMAL SALES AND SERVICES		
-ANIMAL BOARDING	---	
-ANIMAL GROOMING	PD/U	
-ANIMAL HOSPITALS	UP	
-ANIMAL RETAIL SALES	PD/U	
ARTISTS' STUDIOS	P	(G)
BANKS/SAVINGS AND LOANS	P	
-WITH DRIVE-UP/DRIVE THROUGH SERVICE	UP	
BUILDING MATERIALS AND SERVICES	P	
CATERING SERVICES	P	
COMMERCIAL RECREATION AND ENTERTAINMENT	UP	(G), (K)
EATING AND DRINKING ESTABLISHMENTS	UP	
-FULL SERVICE, HIGH TURNOVER	UP	(D), (G), (K)

## Commercial Development: Land Use Regulations

P = Permitted  
UP = Use Permit  
PD/U = Use permit issued by the Planning Director  
L = Limited (see Additional Use Regulations)  
--- = Not Permitted

	Commercial	Additional Regulations
-FULL SERVICE, LOW TURNOVER	UP	(D), (G), (K)
-FULL SERVICE, SMALL SCALE	PD/U	(D), (G), (K)
-TAKE-OUT SERVICE	UP	(D), (G), (K)
-TAKE-OUT SERVICE, LIMITED	PD/U	(D), (G), (K)
-ACCESSORY	P	(D), (G), (K)
-BARS AND COCKTAIL LOUNGES	UP	(D), (G), (K)
FOOD AND BEVERAGE SALES	P	(K)
MARINE SALES AND SERVICES		
-BOAT RENTAL, AND SALES	UP	
-ENTERTAINMENT AND EXCURSION SERVICES	L-3	
OFFICES, BUSINESS AND PROFESSIONAL	L-4	
PERSONAL IMPROVEMENT SERVICES	PD/U	(G)
PERSONAL SERVICES	P	
-MASSAGE ESTABLISHMENTS	UP	(E)
POSTAL SERVICES	P	
PRINTING AND DUPLICATING SERVICES	P	
RETAIL SALES	P	
TRAVEL SERVICES	P	
VEHICLE/EQUIPMENT SALES AND SERVICES		
-SERVICE STATIONS	UP	(F), (K)
VISITOR ACCOMMODATIONS		
-BED AND BREAKFAST INNS	PD/U	
-HOTELS, MOTELS AND TIME-SHARES	UP	(H)
<b>ACCESSORY USES</b>		(A), (B), (C)
ACCESSORY STRUCTURES AND USES	P/UP	
<b>TEMPORARY USES</b>		(A), (B), (C)
CHRISTMAS TREE/PUMPKIN SALES	L-2	(B)
OUTDOOR STORAGE & DISPLAY, TEMPORARY	P	(J)
REAL ESTATE OFFICES, TEMPORARY	P	(B)

L-1 Limited to facilities occupying less than 5,000 square feet; use permit required.

L-2 Subject to the approval of the Planning Director.

L-3 Permitted, provided operations have first secured a marine activities permit issued by the Harbor Resources Director (see Chapter 17.10 of the Municipal Code).



- L-4 Services involving the assembly or meetings of seven or more persons shall be limited to above the first floor, where the first floor is occupied by a permitted use or use permitted with a use permit.
- (A) See Section 20.60.025, Relocatable Buildings.
  - (B) See Section 20.60.015, Temporary Structures and Uses.
  - (C) See Section 20.60.050, Outdoor Lighting.
  - (D) See Chapter 20.82, Eating and Drinking Establishments.
  - (E) See Chapter 20.87, Massage Establishments.
  - (F) See Chapter 20.80, Automobile Service Stations.
  - (G) See Section 20.60.085, Uses Requiring City Manager Approval.
  - (H) See Chapter 20.84, Time Share Developments.
  - (I) Special events permit required, see Chapter 5.10 of the Municipal Code.
  - (J) See Section 20.60.105, Outdoor Storage and Display.
  - (K) See Chapter 20.89, Alcoholic Beverage Outlets.

#### **20.41.080 Commercial Development: Property Development Regulations**

The following schedule prescribes development regulations for commercial development areas. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this code.

<b>Commercial Development Regulations</b>		
	<b>Commercial</b>	<b>Additional Regulations</b>
Minimum Lot Area (sq. ft.)	2,000	(A)
Minimum Lot Width (ft.)	25	(A)
Minimum Yards:		
Front (ft.)	---	(B), (C)
Side (ft.)	---	(B)
-Abutting residential area (ft.)	5	(B)
Rear (ft.)	---	(B)
-Abutting residential area (ft.)	5	(B)

<b>Commercial Development Regulations</b>		
	<b>Commercial</b>	<b>Additional Regulations</b>
-Abutting an alley (ft.)	10	(B)
Bulkhead Setback	---	
Maximum Height (ft.)		(D)
Maximum Floor Area Limit		(E)
Off-Street Parking and Loading		(F), (G)

**Commercial Development: Additional Property Development Regulations**

- (A) See Chapter 19.68 in Title 19: Merger of Contiguous Lots.
- (B) See Section 20.60.030: Extensions Into Yards.
- (C) Where the frontage in a block is partially in an residential development area the front yard shall be not less than 5 feet.
- (D) See Chapter 20.65: Height Limits.
- (E) See Chapter 20.63: Floor Area Ratios and Building Bulk.
- (F) See Chapter 20.66: Off-Street Parking and Loading.
- (G) 10 percent of the paved parking area shall be devoted to planting areas. Extensive use of trees is encouraged. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system and shall be separated from the adjoining vehicular way by a curb not less than 6 inches in height.

